Federal Communications Commission
Washington, D.C. 20554

July 27, 2011

In Reply Refer to:
1800B3-SNC

Mr. Wifredo G. Blanco-Pi
155 San Antonio Street
Floral Park
San Juan, PR 00917-3910

Re: Wifredo G. Blanco-Pi
New Experimental AM, Guayama, PR
Facility Identification Number 181037
File Number BPEX-20090706AHD

Petition for Reconsideration

Dear Mr. Blanco-Pi:

This letter is in reference to application BPEX-20090706AHD (the "Application") you filed on July 6, 2009, requesting authority to construct a new experimental AM synchronous booster station at Guayama, Puerto Rico, for Station WISO(AM), 1260 kilohertz ("kHz"), Ponce, Puerto Rico;[1] our November 18, 2009, staff action dismissing the Application;[2] your November 25, 2009, Petition for Reconsideration (the "Petition"); and your February 3, 2010, Addendum (Amendment) to the Petition (the "Addendum"). For the reasons discussed below, we grant the Petition in part and affirm the dismissal of the Application.

Background. Station WISO(AM) is currently the primary AM station for experimental AM synchronous booster stations WI2XSO, Mayaguez, Puerto Rico,[3] and WI3XSO, Aguadilla, Puerto Rico.[4] You are the licensee of Stations WISO(AM), WI2XSO and WI3XSO.[5] The Application requests authorization of a third experimental AM synchronous booster station for Station WISO(AM) reportedly to permit you to continue your more than two-decade experiment with synchronous AM booster stations and to prove that a four station AM synchronous network consisting of a primary AM station and three high-powered synchronous AM booster stations can successfully operate on the island of Puerto Rico without interference or signal degradation. Audio Division staff, citing the *Memorandum Opinion and Order* in MM Docket No. 87-6 ("1989 MO&O"),[6] dismissed the Application as unacceptable for filing by letter dated

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[1] FCC Facility ID No. 61147, FCC File No. BL-20070823AGQ.

[2] *Letter to Wifredo G. Blanco-Pi*, Reference 1800B2-JBS (MB Nov. 18, 2009).

[3] FCC Facility ID No. 89243, FCC File No. BLEX-20090529ASB.

[4] FCC Facility ID No. 130173, FCC File No. BLEX-20040830ACR.

[5] Blanco-Pi is also the licensee of primary station WAPA(AM), San Juan, PR, FCC Facility ID No. 8889, and experimental AM synchronous booster station WA2XPA, Arecibo, PR, FCC Facility ID No. 128696.

[6] *See Amendment of Part 73 to Authorize the use of Multiple Synchronous Transmitters by AM Broadcast Stations*, Memorandum Opinion and Order, MM Docket No. 87-6, 4 FCC Rcd 591 (1989).

November 18, 2009, because the predicted coverage contours for the proposed experimental AM synchronous booster station impermissibly exceeded the predicted coverage contours for primary station WISO(AM).

Discussion. Reconsideration is warranted only if the petitioner sets forth an error of fact or law, or presents new facts or changed circumstances which raise substantial or material questions of fact that otherwise warrant reconsideration of the prior action.[7]

In the Petition and Addendum, you argue that the staff erred by dismissing the Application based on its finding that the predicted coverage contours for the proposed experimental AM synchronous booster station exceeded the predicted coverage contours for primary station WISO(AM). In support of your argument, you state that the 1989 MO&O did not conclude that the predicted coverage contours for an experimental AM synchronous booster station cannot exceed the predicted coverage contours of its primary station, and you recount that the Commission previously granted your applications for experimental AM synchronous booster stations WI2XSO and WI3XSO, both of which have predicted coverage contours that extend beyond the predicted coverage contours of primary station WISO(AM).[8] Additionally, you assert that you prepared the Application consistent with the guidelines under which the Commission granted your previous applications for experimental AM synchronous booster stations. You request waiver of the 1989 MO&O, if necessary, to permit grant of the Application. You claim in the Petition, without proof, that WISO could achieve the coverage enhancement that would result from the authorization of the proposed experimental AM synchronous booster station at Guayama, but would need perhaps six towers and a twelve-acre transmitter site to do so. You cite the economic benefits that use of experimental AM synchronous booster stations would provide to AM station licensees over construction and use of complex and costly AM directional antenna systems and high-power transmitters, and suggest that experimental AM synchronous booster stations should be treated as an alternative to AM directional antenna systems for signal improvement. Additionally, you discuss the advances in AM transmitter synchronization since the adoption of the 1989 MO&O, and the knowledge and benefits that would result from your four-station AM synchronous network operation.

We applaud your desire to improve AM service to the people of Puerto Rico. Upon review, we agree that the Application should not have been dismissed because the predicted coverage contours of the proposed experimental AM synchronous booster station extend beyond the predicted coverage contours of the primary station. Although the Commission stated in the 1989 MO&O that "the parties recommended that synchronous transmitters be afforded protection similar to that provided the primary station, and that they should not extend the interference contour of the parent station",[9] it did not prohibit the predicted contours of an experimental AM synchronous booster station from exceeding the predicted coverage contours of its primary station. Thus, we grant reconsideration of the dismissal of the Application, in part.

In the Application, you claim that you have been operating experimental AM synchronous booster stations for over 20 years with overwhelmingly positive results. You state that the existing WISO(AM) three-station experimental AM synchronous operation has not resulted in objectionable mutual interference or degraded audio performance, and assert that currently available synchronization technology makes the existing WISO(AM) synchronous network easy to operate and extremely stable. Based on the data you provided in the Application, it is evident that you have already proven beyond doubt that successful synchronization of three AM stations is possible with currently available synchronization technology and

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[7] *See* 47 C.F.R. § 1.106.

[8] In the Application, reference also was made to the predicted coverage contours of experimental AM synchronous booster station WI2XAC, Ponce, Puerto Rico, extending beyond the predicted coverage contours of primary station WIAC(AM), San Juan, Puerto Rico.

[9] *Id.* at 592.

equipment; that operation of an AM synchronous network consisting of three synchronized transmitters in Puerto Rico does not result in objectionable interference or signal degradation to the stations in the network; and that experimental AM synchronous booster stations provide the coverage enhancement desired. In fact, in the Application, you essentially provided a "how to" handbook for successful construction and operation of an AM synchronous network. Section 74.102 of the Commission's Rules explicitly states that a license for an experimental broadcast station will be issued for the purposes of carrying on research and experimentation for the development and advancement of new broadcast technology, equipment, systems or service. Based on your reported multi-year success using your existing experimental AM synchronous stations and commercially available synchronization equipment and technology, it is axiomatic that the facilities proposed in the Application do not constitute legitimate research or experimentation, and that nothing new or groundbreaking concerning the operation of AM synchronous stations will be gleaned by permitting you to add a fourth AM synchronous transmitter to the existing WISO synchronous network.

Our studies show that you extended the WISO(AM) daytime coverage area over the western end of the island of Puerto Rico with experimental AM synchronous booster stations WI2XSO and WI3XSO, and you propose extending the WISO(AM) daytime coverage area over the eastern end of the island with the facilities specified in the Application. In the Petition, as justification for grant of the Application, you state, without proof, that the additional coverage for WISO(AM) that would result from grant of the Application could be achieved by increasing WISO(AM) operating power and/or adding additional radiators to create a directional antenna array, but that use of an additional experimental AM synchronous booster station would permit you to achieve the desired coverage increase much more economically. You suggest that experimental AM synchronous booster stations should be treated as an alternative to AM directional antenna systems for primary station signal improvement. In both the *Notice of Inquiry* in MM Docket No. 87-6[10] and the 1989 MO&O, the Commission discussed the following situations in which use of an AM synchronous station to enhance or extend coverage the coverage of an AM station might be considered:

- along major highways to in order to permit an AM station to serve the traveling public over long distances by forming "ribbons of service";
- in nearby communities lacking sufficient population to support their own independent radio stations;
- at locations within the an AM station's predicted service area suffering from inferior service because of anomalous propagation conditions;
- to provide service in nulls of an AM station's directional antenna pattern.

The highways connecting Ponce, the WISO(AM) community of license, and Guayama are within the predicted WISO(AM) 2.0 millivolt per meter daytime contour. According to the 2000 United States Census, Guayama Municipio has a population of 44,301 persons. There are currently four radio stations licensed to Guayama, two AM and two FM. Additionally, the residents of Guayama are predicted to receive principal community service from at least eight other licensed radio stations. No claims of anomalous propagation conditions in the vicinity of Guayama were made in the Application, and WISO(AM) uses a nondirectional antenna. Thus, none of the potential AM synchronous station use situations set forth by the Commission are pertinent to the proposed AM synchronous booster station at Guayama. Using an AM synchronous station to extend an AM station's coverage to a community with licensed and operating local radio stations and ample service from existing radio stations was not one of the situations that the Commission indicated it would consider when authorizing AM synchronous stations. Hence, use of conventional methods for AM station coverage improvement, i.e. power increases, directional antenna systems, site relocations, etc., as permitted by the Commission's Rules, is required for WISO(AM) to achieve the WISO(AM) coverage enhancement in Guayama proposed in the Application.

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[10] *See Amendment of Part 73 to Authorize the use of Multiple Synchronous Transmitters by AM Broadcast Stations*, Notice of Inquiry, MM Docket No. 87-6, 2 FCC Rcd 1389 (1987).

The Commission has declined to proceed to rule making on the use of multiple synchronous broadcast transmitters by AM stations to enhance or extend coverage in the 1989 MO&O. Moreover, it did not create an AM synchronous broadcast service nor specify any technical rules or policies governing the operation of an experimental AM synchronous station therein. As a result, your request for waiver of the 1989 MO&O to permit grant of the Application is not germane. In the more than two decades since the adoption of the 1989 MO&O, there has been little public interest in AM synchronous transmission, with the Commission receiving and granting only a small number of requests for experimental authorizations for AM synchronous booster stations. On its own motion, the Commission has not revisited the creation of an AM synchronous station service nor adopted rules governing their permissible use or operation, and no outside party has requested that the Commission do so.

Accordingly, for all of the reasons discussed above, we affirm the dismissal of application BPEX-20090706AHD.

Conclusion/Actions. IT IS ORDERED, that the November 25, 2009, Petition for Reconsideration filed by Wifredo G. Blanco-Pi, IS HEREBY GRANTED, IN PART, and the November 18, 2009, DISMISSAL of application BPEX-20090706AHD IS HEREBY AFFIRMED. These actions are taken pursuant to Section 0.283 of the Commission's Rules.[11]

Sincerely,

Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: Matthew Folkert

[11] *See* 47 C.F.R. §0.283.